IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO 1052 OF 2005
IN
CRIMINAL APPEAL NO. 165 OF 2005

Jayram Ramchandra Dive .. Applicant
(orig.Accused 2)
Vs.
The State of Maharashtra ..Respondent.

Mr. Daulat Khamkar for the applicant.
Mr. Y.S. Shinde, A.P.P. for State.

CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.
DATE : 21ST OCTOBER, 2005.

P.C.

. Appeal is admitted. This application is for bail filed by accused 2 in Sessions Case No.165/2001 decided on 25/1/2002 by Additional Sessions Judge, Thane. The applicant has been convicted along with others for offences under section 302, 324 r/w Section 34 of Indian Penal Code and sentenced to suffer R.I. for life.

2. We have heard the learned Counsel, Mr. Khamkar for the applicant. He submitted that the applicant was on bail in the trial Court. He pointed out that both the eye witnesses have stated that the applicant gave blow of knife on the brother of the deceased. The

applicant has not attacked the deceased. He therefore, submitted that the applicant may be released on bail.

3. We have gone through the evidence of the two eye witnesses. It is a fact that both the witnesses have stated that the applicant gave a knife blow on the brother of the deceased. He did not attack the deceased. Considering the fact that the applicant was on bail in the trial Court and as we are informed by the learned A.P.P. on instructions from the officer, who is present in the Court that the applicant is not involved in other crimes, we feel that the applicant should be released on bail. Hence, the following order.

. Applicant Jayram Ramchandra Dive is ordered to be released on bail in the sum of Rs. 5000/- with one surety in the like amount. While on bail the applicant shall attend Mokhada Police Station once in a month. Application is disposed of.

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]